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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,299	12/03/2003	Brian Jones	60001.286US01	5350

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EXAMINER
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RIES, LAURIE ANNE

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/727,299	Applicant(s) JONES ET AL.	
	Examiner Laurie Ries	Art Unit 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment, filed 28 February 2007, to the Original Application, filed 3 December 2003.
2. The rejection of claims 1-21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been withdrawn.
3. The rejection of claims 1-3 and 5-7 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement has been withdrawn.
4. The rejection of claims 1-21 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.
5. The rejection of claims 1-7 under 35 U.S.C. 101 as non-statutory subject matter has been withdrawn.
6. The rejection of claims 15-21 under 35 U.S.C 101 for containing non-statutory subject matter as being directed to a program per se has been withdrawn.

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7. The rejection of claims 1-3, 8, 9, and 15-17 under 35 U.S.C. 103(a) as being unpatentable over McLean, et al. (U.S. Patent Publication 2002/0124115 A1, filed November 13, 2001 and published September 5, 2002) [hereinafter "McLean"] has been withdrawn as necessitated by amendment and newly found prior art.

8. The rejection of claims 4, 10, 11, 18, and 19 under 35 U.S.C. 103(a) as being unpatentable over McLean, et al. (U.S. Patent Publication 2002/0124115 A1, filed November 13, 2001 and published September 5, 2002) [hereinafter "McLean"], in view of Ovil, et al, U.S. Patent Publication, 2004/0030540 A1, filed as Provisional application No. 60/401,326 on August 7, 2002) [hereinafter "Ovil"], has been withdrawn as necessitated by amendment and newly found prior art.

9. The rejection of claims 5-7, 12-14, 20, and 21 under 35 U.S.C. 103(a) as being unpatentable over McLean, et al. (U.S. Patent Publication 2002/0124115 A1, filed November 13, 2001 and published September 5, 2002) [hereinafter "McLean"], has been withdrawn as necessitated by amendment and newly found prior art.

10. Claims 1-21 are pending. Claims 1, 8, and 15 are independent claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3, 5-9, 12-17, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLean (U.S. Patent Publication 2002/0124115 A1) in view of Kucera (U.S. Patent 4,864,501).

**Regarding independent claim 1, as amended, McLean teaches:**

*A computer-readable medium, comprising:*

*a first component for interpreting a word-processor document stored as an*

*XML file; and*

(See, McLean, figure 34, element 345, teaching a loader sub filter as the first component to interpret a document for a spell checker.

See also, McLean, paragraphs [0212]-[0213], teaching that the invention uses XML language and an XML processor to parse the data for use in the filters.

See also, McLean, paragraph [0171], teaching the formatting filter which outputs the formatted control objects to the spellchecker filter.)

*a second component for placing at least one marker within the word-processor document indicating at least one error selected from a grammar error and a spelling error..*

(See, McLean, figure 34, element 341, and paragraphs [0172]-[0186], teaching the spellchecking filter as the second component).

McLean does not teach expressly that *the first tag is placed before the error and that it identifies the type of error, and where the first tag is an empty element tag that does not include content.*

Kucera teaches adding a tag prior to a perceived error where the tag contains no data (See Kucera, Figure 1, and Column 19, lines 33-51).

McLean and Kucera are analogous art because they are from the same field of endeavor of processing errors in documents.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the tags indicating an error and containing no data of Kucera with the markers indicating errors of McLean. The motivation for doing so would have been to allow a parser application to determine the location and type of a perceived error within the text such that the error may be processed accordingly. Therefore, it would have been obvious to combine Kucera with McLean for the benefit of allowing a parser application to determine the location and type of a perceived error within the text such that the error may be processed accordingly to obtain the invention as specified in claim 1.

**Regarding dependent claim 2, McLean and Kucera teach:**

*The computer-readable medium of Claim 1, further comprising a third component for placing a proof state within the word-processor document.*

(It is noted that the proof state is disclosed as an indication that the document has been checked. See, disclosure, page 9, lines 7-8, stating: "The proof state of the document indicates whether the document has been fully checked for spelling & grammar errors."

See, McLean, paragraph [0181], teaching the saver sub-filter which receives the spellchecker data and saving the file to the file system.

McLean does not expressly teach a "component for the proof state."

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the saver sub-filter to indicate that spell checking has been completed.

The suggestion or motivation for this modification is found in McLean where it is taught that only new data is sent to the spell checker, implicitly teaching that the invention can distinguish between data that has been checked and that which has not yet been checked.)

**Regarding dependent claim 3, as amended, McLean and Kucera teach:**

*Placing a second tag after the error that identifies the type of error, where the second tag is an empty element that does not include content.*

(See, McLean, paragraph [0181], teaching the use of two markers comprising a start and an end tag that do not overlap the error).

**Regarding dependent claim 5, McLean and Kucera teach:**

*The computer-readable medium of Claim 2, wherein the third component for placing the proof state within the word-processor document, further comprises indicating when the word-processor document is in a clean state.*

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(McLean teaches the invention of claim 2, but does not expressly teach "indicating when the word-processor document is in a clean state."

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a function to indicate to a user whether the document had been spell checked for the obvious and beneficial of letting a user know the status of the document, particularly if it was a new user, or if the document had been save and was being re-opened, in order to avoid rechecking the document unnecessarily.)

**Regarding dependent claim 6, McLean and Kucera teach:**

*The computer-readable medium of Claim 2, wherein the third component for placing the proof state within the word-processor document, further comprises placing a spelling proof state property.*

(McLean teaches the invention of claim 2, but does not expressly teach "placing a spelling proof state property."

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a function to indicate to a user whether the document had been spell checked for the obvious and beneficial of letting a user know the status of the document, particularly if it was a new user, or if the document had been save and was being re-opened, in order to avoid rechecking the document unnecessarily.)

**Regarding dependent claim 7, McLean and Kucera teach:**

*The computer-readable medium of Claim 2, wherein the third component for placing the proof state within the word-processor document, further comprises placing a grammar proof state property.*



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(McLean teaches the invention of claim 2, but does not expressly teach “placing a grammar proof state property.”

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a function to indicate to a user whether the document had been grammar checked for the obvious and beneficial of letting a user know the status of the document, particularly if it was a new user, or if the document had been save and was being re-opened, in order to avoid rechecking the document unnecessarily.)

**Regarding independent claim 8, McLean teaches:**

*A method for indicating errors within a word-processor document, comprising:*

*interpreting a word-processor document stored as an XML file;*

*placing a first marker within the word-processor document indicating a start of at least one error selected from a grammar error and a spelling error; wherein the first marker is a single tag that does not overlap the error and does not overlap other elements within the word-processor document; and*

*placing a second marker within the word-processor document indicating an end of the at least one error selected from the grammar error and the spelling error; wherein the second marker is a single tag that does not overlap the error and does not overlap other elements within the word-processor document.*

McLean does not teach expressly that the tags do not contain content.

Kucera teaches adding tags indicating a perceived error where the tag contains no data. (See Kucera, Figure 1, and Column 19, lines 33-51).

McLean and Kucera are analogous art because they are from the same field of endeavor of processing errors in documents.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the tags indicating an error and containing no data of Kucera with the markers indicating errors of McLean. The motivation for doing so would have been to allow a parser application to determine the location and type of a perceived error within the text such that the error may be processed accordingly. Therefore, it would have been obvious to combine Kucera with McLean for the benefit of allowing a parser application to determine the location and type of a perceived error within the text such that the error may be processed accordingly to obtain the invention as specified in claim 8 (Claim 8 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

**Regarding dependent claim 9, McLean and Kucera teach:**

*The method of Claim 8, further comprising placing a proof state within the word-processor document.*

(Claim 9 incorporates substantially similar subject matter as claimed in claim 2 and is rejected along the same rationale.)

**Regarding dependent claim 12, McLean and Kucera teach:**

*The method of Claim 9, wherein placing the proof state within the word-processor document, further comprises indicating when the word-processor document is in a clean state and a dirty state.*

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(Claim 12 incorporates substantially similar subject matter as claimed in claim 5 and, in further consideration of the following, is rejected along the same rationale. Just as it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of McLean to include an indication of a clean state for the obvious and beneficial purpose of giving a status indication to avoid unnecessary re-checking, so also would it have been equally obvious and beneficial to present an indication that the document had not been checked to avoid unintentionally failing to check the document.)

**Regarding dependent claim 13, McLean and Kucera teach:**

*The method of Claim 12, wherein placing the proof state within the word-processor document, further comprises placing a spelling proof state property.*

(Claim 13 incorporates substantially similar subject matter as claimed in claim 6 and is rejected along the same rationale.)

**Regarding dependent claim 14, McLean and Kucera teach:**

*The method of Claim 13, wherein placing the proof state within the word-processor document, further comprises placing a grammar proof state property.*

(Claim 14 incorporates substantially similar subject matter as claimed in claim 7 and is rejected along the same rationale.)

**Regarding independent claim 15, as amended, McLean teaches:**

*A system for indicating errors within a word-processor document,  
comprising:*

*a processor and a memory being allocated for a number of computer-executable instructions which are loaded into the memory for execution by the processor (See McLean, Figure 1)*

*a markup language file output by a word processor that includes a first marker and a second marker indicating a start and an end of at least one error selected from a grammar error and a spelling error; wherein the first marker is a single tag that does not overlap the error and does not overlap other elements within the markup language file and wherein the second marker is a single tag that does not overlap the error and does not overlap other elements within the markup language file; and*

*a validation engine configured to validate the markup language file; and  
an application configured to read a markup language file created in accordance with a schema.*

McLean does not teach expressly that the tags do not contain content.

Kucera teaches adding tags indicating a perceived error where the tag contains no data. (See Kucera, Figure 1, and Column 19, lines 33-51).

McLean and Kucera are analogous art because they are from the same field of endeavor of processing errors in documents.

At the time of the invention it would have been obvious to one of ordinary skill in the art to include the tags indicating an error and containing no data of Kucera with the markers indicating errors of McLean. The motivation for doing so would have been to allow a parser application to determine the location and type of a perceived error within

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the text such that the error may be processed accordingly. Therefore, it would have been obvious to combine Kucera with McLean for the benefit of allowing a parser application to determine the location and type of a perceived error within the text such that the error may be processed accordingly to obtain the invention as specified in claim 15 (Claim 15 incorporates substantially similar subject matter as claimed in claim 1 and, in further consideration of the following, is rejected along the same rationale. It is noted that validating a markup language, in particular XML, with a schema is a standard inherent function for processing a markup language file. See, Castro, E., "XML for the World Wide Web, Visual Quickstart Guide," Peachpit Press, 2001, page 245. It would have been obvious for one of ordinary skill in the art at the time of the invention to validate a markup language file in accordance with a schema.)

**Regarding dependent claim 16, as currently amended, McLean and Kucera teach:**

*The system of Claim 15, wherein the ML file is an XML file.*

(Claim 16 incorporates substantially similar subject matter as claimed in claim 15 and, in further consideration of the following, is rejected along the same rationale. The markup language taught in McLean and Castro is XML.)

**Regarding dependent claim 17:**

Claim 17 incorporates substantially similar subject matter as claimed in claim 2 and is rejected along the same rationale.

**Regarding dependent claim 20:**

Claim 20 incorporates substantially similar subject matter as claimed in claim 5 and is rejected along the same rationale.

**Regarding dependent claim 21, McLean and Kucera teach:**

*The system of Claim 20, wherein the proof state further comprises a spelling proof state property and a grammar proof state property.*

(Claim 21 incorporates substantially similar subject matter as claimed in claims 6 and 7 and is rejected along the same rationale.)

12. Claims 4, 10-11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLean (U.S. Patent Publication 2002/0124115 A1) in view of Kucera (U.S. Patent 4,864,501), as applied to claims 1, 9 and 17 above, and further in view of Ovil (U.S. Patent Publication, 2004/0030540 A1).

**Regarding dependent claim 4, as amended, McLean and Kucera in view of Ovil teaches:**

*The computer-readable medium of Claim 3, where placing the first tag and the second tag within the word-processor document also includes identifying the first tag as a grammar start tag and identifying the second tag as a grammar end tag when the type of error is the grammar error and identifying the first tag as a spelling start tag and identifying the second tag as a spelling end tag when the type of error is the spelling error*

(McLean and Kucera teach the invention of claim 3, but does not expressly teach that the start and end tags are used to identify grammar errors.

Ovil teaches that spell checkers and grammar checkers were known to one of ordinary skill in the art at the time of the invention to involve marking errors, specifically citing Microsoft Word. See, Ovil, paragraphs [0005] and [0014].

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of McLean and Ovil.

The suggestion or motivation to combine the teachings of the references is found in Ovil stating that conventional language processing applications comprise spell checkers and grammar checkers. See, Ovil, paragraph [0003]. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention, given the similarity in treatment of spelling and grammar errors taught by Ovil and given that they were both common functions, to also include marking grammar errors using markup language tags.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of McLean, Kucera, and Ovil to result in the invention specified in claim 4.

**Regarding dependent claim 10,** McLean and Kucera in view of Ovil teaches:

*The method of Claim 9, wherein placing the first marker and the second marker within the word-processor document, further comprises identifying the first tag as a grammar start tag and a grammar the second tag as grammar end tag when the error is a grammar error..*

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(Claim 10 incorporates substantially similar subject matter as claimed in claim 4 and is rejected along the same rationale.)

**Regarding dependent claim 11, McLean in view of Ovil teaches:**

*The method of Claim 9, wherein placing the first marker and the second marker within the word-processor document, further comprises identifying the first tag as a spelling start tag and the second tag as a spelling end tag when the error is a spelling error.*

(Claim 11 incorporates substantially similar subject matter as claimed in claim 4 and is rejected along the same rationale.)

**Regarding dependent claims 18 and 19:**

Claims 18 and 19 incorporate substantially similar subject matter as claimed in claim 4 and are rejected along the same rationale.

### ***Response to Arguments***

13. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.



**Conclusion**

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached on (571) 272-4136.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LR

*William L. Bashore*  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**